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CHAD

A country under the arbitrary rule of the security forces with the tacit consent of other countries

I. INTRODUCTION

"All those who have been victorious up till now join in the triumphal procession in which today's masters trample the bodies of today's defeated."¹

Since his armed seizure of power in December 1990, General Idriss Déby, President of the Republic, has constantly proclaimed his support for the protection and promotion of human rights. As early as 4 December 1990, the new Chadian Head of State declared: *"It is an immense pleasure for all fighters in the patriotic forces to have contributed to the blossoming of the dearest gift of your hopes. This gift is neither gold nor silver: it is liberty! The liberty of 1 December 1990. No more military campaigns, no more political prisons ... learning from our people's suffering and from the suffering endured by us all, the Mouvement patriotique du salut (MPS), Patriotic Movement for Salvation, is determined to lead Chad, with the participation of all its citizens, to the system of government longed for by all. A system of government based on democracy, I mean democracy in its fullest sense."* More than five and a half years after this declaration, however, the promises are far from being fulfilled. The record to date fails to match the expectations of civil society or of the associations which have regularly alerted the Chadian authorities and the international community to the serious human rights violations taking place in Chad.

The lust for power, the striving for domination and the terror that marked Chad under President Hissein Habré have continued to characterize the exercise of power under his successor. Breaches of national legislation and infringements of the international instruments ratified by Chad have continued and, if the authorities do not take immediate steps to establish the rule of law, threaten eventually to undermine the fragile structures of Chadian society.

None of the political changes in Chad since 1990 has succeeded in ending human rights violations. During the first quarter of 1993, the *Conférence nationale souveraine* (CNS), National Conference, which brought together representatives of government, political parties and non-governmental organizations, set up transitional bodies which included members of both the opposition and of civil society. A new constitution was approved by referendum in March 1995. Finally, the election of President Déby by popular vote in July 1996 and the parliamentary elections due to be held towards the end

¹Walter Benjamin, *Theses on the Philosophy of History*, quoted by *Europe* magazine, April 1996

of the year were to complete the period of transition. However, the advent of multi-party politics and limited freedom of expression have failed to prevent serious human rights violations from continuing with impunity.

A four-person Amnesty International delegation visited Chad in April 1996 and met Chadian government officials to discuss the gravity of the human rights situation. Among those with whom the Amnesty International representatives spoke were the ministers of defence, justice and the interior, the Chief of Staff of the *Armée nationale tchadienne*, (ANT), Chadian National Army, and the Director General of the *Gendarmerie nationale*, National Gendarmerie, but despite their requests they were unable to meet President Déby. In addition, in view of persistent human rights violations in the south of the country in 1995 and 1996, two members of the delegation also undertook a research mission in the Logone Occidental and Oriental prefectures.

In contrast to the past, when the Chadian authorities had been unanimous in their assertions in international radio broadcasts that Amnesty International's reports were indoctrination aimed at damaging the government, some Chadian officials acknowledged during the April 1996 mission that it was difficult for them to deny the information documented by Amnesty International. However, they all showed great reluctance to open impartial investigations into human rights violations committed by the security forces.

In spite of this apparent openness towards Amnesty International, the Chadian authorities continue to fail to be accountable for their human rights policy, either internally or to the international community. Only recently, in April 1996, the Chadian government, with the help of several countries including France and Gabon, succeeded in preventing the public examination by the Human Rights Commission (Commission) in Geneva of any resolution critical of its human rights record. The Commission, while "*expressing its grave concern at the general human rights situation in the country as described by the independent expert in her report and as it appears from the new material submitted during its current session...note[s] nevertheless that there were some improvements in the country in 1995, and the holding under satisfactory conditions of the constitutional referendum of 31 March 1996...*" With the help of friendly countries, Chad thus gives the impression of using human rights questions for political ends.

Amnesty International is appealing to the Chadian authorities to ensure that statements on human rights cease to be empty words. After his election to supreme office in July 1996, President Déby declared: "*The results that have just been announced by the Independent National Electoral Commission remind me, at this moment, of all my comrades in arms who sacrificed their lives in the cause of democracy. My thoughts go out also to all those who have been maimed for life. This leads me to say that democracy does not fall from heaven. It is the fruit of struggle, of the sacrifices freely made by Chadians of all regions and all religions. This is the moment to remember the 40,000 Chadians who perished in the prisons of the dictatorship. We shall not forget the hundreds, nay thousands, of widows and orphans. The presidential election is a milestone on the road to democracy. We have kept our promises.*" Since this statement

new human rights violations have occurred. Amnesty International is repeating its plea for the actions of President Déby and his government to match their public statements, to demonstrate that these statements are not intended as mere pledges of good intent towards civil society and a sop to international opinion. The organization is also appealing to armed opposition groups not to carry out human rights abuses.

Amnesty International is also calling on other countries to ensure that the military aid and technical assistance provided by them to the Chadian government are not used to facilitate human rights violations. The recommendations at the end of this document are aimed at assisting the defence and promotion of human rights and the establishment of the rule of law.

II. PERSISTENCE OF HUMAN RIGHTS VIOLATIONS BY THE CHADIAN GOVERNMENT AND THE SECURITY FORCES

Amnesty International's current concerns are set in the context of continuing human rights violations. These have been going on for over five years and have in some cases increased during the past three years. In two reports, published in 1993 and 1995 respectively², Amnesty International has already outlined its concerns over extrajudicial executions, torture and ill-treatment in detention. It also deplored the imprisonment of prisoners of conscience, deaths in detention, and the failure of the authorities to carry out prompt, thorough and impartial investigations into reported cases of violations.

This report deals with human rights violations committed by the Chadian security forces since the publication of Amnesty International's last report in April 1995. It also deals with abuses committed by armed opposition groups, in particular the *Mouvement pour la démocratie et le développement* (MDD), Movement for Democracy and Development, the *Forces armées pour la République fédérale* (FARF), Armed Forces for the Federal Republic, the *Armée nationale tchadienne en dissidence* (ANTD), Dissident Chadian National Army and the *Front national du Tchad rénové* (FNTR), Renewed National Front of Chad.

A. Arbitrary arrests

² *Chad: The nightmare continues* (AI Index: AFR 20/04/93)
Chad: Empty promises – human rights violations continue with impunity (AI Index: AFR 20/03/95).

People under arrest in Chad are often held incommunicado for months or even years without charge or trial. Political opponents, are often held repeatedly for short periods before being charged with recognizably criminal offences to justify their arrest. **Saleh Kebzaboh**, a former minister, and **Delwa Kassiré Koumakoye**, former transitional Prime Minister, arrested for illegal possession of weapons and misappropriation of state funds a few weeks before the first round of the presidential elections of May 1995, and **Ngarlegy Yorangar le Moiban**, President of the *Front d'action pour la République* (FAR), Action Front for the Republic fall within this category. But the majority of those arrested during the past two years have been held solely on suspicion of belonging to the "codos"³; others have been arrested solely on account of their family links with Laokeim Bardé, leader of the FARF.

In July 1994, seven people from the two Logones – including **Ngarmadjal Guillaume**, **Morgoutoum Joseph**, and **Natimbaye Alain**, high-school students, and **Nodjingar Benjamin**, a farmer – who were all suspected of belonging to an armed opposition group, the *Comité de sursaut national pour la paix et la démocratie* (CSNPD), Committee of National Revival for Peace and Democracy, were arrested. They were initially held at Moundou Gendarmerie brigade, then transferred to Faya Largeau, in the north of the country, where they were held without charge or trial until March 1996.

In spite of peace agreements known as the Bangui II accords, concluded in August 1994 between the CSNPD and the Chadian authorities, which provided, among other things, for the withdrawal of the Republican Guard from the southern region and the release of detained "codos", and in spite of two amnesties which should have led to their release, these seven people were held for over 18 months during which they were forced to cut wood and do housework under the supervision of troops at Faya Largeau.

At the urging of the detainees' relatives, the CSNPD referred the case to the monitoring committee of the Bangui II accords, composed of Central African and Chadian representatives, and the first secretary of the French Embassy and a French officer as observers. In November 1994 the representatives of this committee questioned army and Gendarmerie chiefs in the two Logones, but were told by these officials that none of the people referred to were in detention. The monitoring committee accepted the military authorities' version of events and did not conduct further investigations or visit

³ Diminutive of "commando", used to refer to members of the armed opposition in the two southern provinces of Logone Occidental and Logone Oriental.

Faya Largeau themselves. Nor did the committee question the detainees' relatives to discover whether the detainees had reappeared. In its report published in 1995, Amnesty International launched an appeal on behalf of the detainees, but this never met with a positive response from the Chadian authorities.

One of the detainees, met by the Amnesty International delegation after his release, gave the following testimony in April 1996: "*At three o'clock on the morning of 2 November, bound hand and foot, I was thrown into a VLRA⁴ and taken to Amsiné base. My companions and I were weighed on the B4 weighbridge at the base. They put us on a wooden palette which they covered with a net and which was loaded on to the plane with the help of a tractor. On our arrival at Faya, the regional commander who was waiting for the plane asked: 'Are these things or people?'*"

In March and April 1995, several dozen people from the two Logones suspected of supporting the FARF were arrested in the prefecture of Logone Occidental and detained in the barracks of the *Force d'intervention rapide* (FIR), Rapid Intervention Force, the former presidential guard, and of the Gendarmerie. Most of them were ill-treated. The detainees were chained in groups of six, with handcuffs and heavy fetters. They were subsequently transferred to the Camp des Martyrs prison in N'Djaména, the capital, where they were held for over two months without charge or trial. They were finally released in late June 1995 under an amnesty decreed by President Déby. The N'Djaména diplomatic corps were invited to witness their release at the law-courts. The detainees told the Amnesty International delegation that they had been brought in by VLRA and Hercules C130. On their release, however, the Chadian authorities made no attempt to find them transport for their journey home, but merely issued them with a release warrant informing the detainees, most of whom had been tortured, "*that the proceedings against them [were] inopportune*". The complaints lodged by the victims have so far received no response.

Between July and October 1995 at least 20 people, accused of belonging to the FARF or "having dealings with the enemy", were arrested in Logone Occidental. Among them were **Benoît Djebongoum, Samuel Dingambaye, Florent Datouloum, Célestin Ndoubaye** and **Gédéon Largué Mbailassem**. Male family members of Gédéon Largué Mbailassem were not permitted to visit him, but one of his sisters was allowed into the Gendarmerie compound to bring him food and was able to see him on the first day; she came back the following day but was not allowed to see him, and on the third day the gendarmes told her that he had been transferred to Sarh, in Moyen Chari. After being held for over two months in Moundou prison, where living-conditions are hard, most of

⁴*Véhicule léger de reconnaissance et d'appui*, VLRA, Reconnaissance and support vehicle used to transport troops.

those who had been arrested were transferred to N'Djaména and Faya Largeau. At least three, whom it had not been possible to transfer for health reasons, were released without charge or trial in October 1995. During their detention, the prisoners were handcuffed and fettered. One of them still bore marks from his fetters when the Amnesty International delegation met him in April 1996.

The ANT Chief of Staff described those transferred to Faya Largeau as criminals "some of whom had committed theft in the name of the armed forces" and as "*coupeurs de route*"⁵. He stated that they were all "notorious recidivists" who had already benefited from an amnesty. The Minister of Justice assured the Amnesty International delegation in April 1996 that he would carry out an investigation into the circumstances of the arrests, and that the detainees would be released if no charges were laid against them. Despite these promises and in violation of Chadian law and of international standards, such as Article 14 of the International Covenant on Civil and Political Rights, which safeguards the right to fair trial, these people are still imprisoned without charge or trial at Faya Largeau. Amnesty International has not received information suggesting an inquiry has been opened into their cases.

The Chadian authorities have also arbitrarily arrested several opposition leaders in order to intimidate them or to remove them from the presidential campaign. **Saleh Kebzaboh**, President of the opposition *Union nationale pour le développement et le renouveau* (UNDR), National

⁵ A Chadian expression for robbers who stop cars.

Union for Development and Renewal party, was arrested in September 1995 and held for five days in N'Djaména before being released on bail. In April 1996 the court dismissed the charges of "dealings with the enemy" and decided that there was no case to answer.

Delwa Kassiré Koumakoye, former Prime Minister of the transitional government from 1993 until April 1995 and President of the *Rassemblement national pour la démocratie et le progrès* (RNDP), National Rally for Democracy and Progress, was arrested in March 1996 for illegal possession of weapons and misappropriation of funds. On the first count he was sentenced to three months' imprisonment after an unfair trial. In addition to the fact that the limit of police custody, the *garde à vue* period, had been exceeded, the evidence used by the prosecution to justify the former Prime Minister's arrest on 2 March was not submitted to the dossier until two days later. The offence of which Delwa Kassiré Koumakoye was convicted does not exist in the criminal code; the court relied for conviction on a 1968 edict banning ownership of hand-held weapons. The arrest and conviction of Delwa Kassiré Koumakoye appear to have been motivated by a desire to prevent him from standing in the presidential elections of June 1996.

Bachain Massingar, Delwa Kassiré Koumakoye's bodyguard, who was arrested during the same period at the home of the former Prime Minister, was subjected to pressure and threats, ill-treatment and mock executions to force him to confirm the former Prime Minister's possession of weapons. He was released without charge after 18 days, and appeared to have suffered a hearing loss when the Amnesty International delegation met him in April, shortly after his release.

Still in the context of the former transitional Prime Minister's arrest and in violation of the law relating to the status of law-court staff,⁶ **Maître Issa Hassan Goffa**, Clerk of the Court, was arrested at the law-courts and held for one day for supplying a copy of Delwa Kassiré Koumakoye's police record to the latter's lawyer. In this instance, not only was the arrest completely arbitrary, but no report was made by the magistrate since the arrest was carried out at the request of the public prosecutor after Delwa Kassiré Koumakoye had lodged an appeal. The Code of Criminal Procedure states (Article 388)

⁶ "The Clerk of the Court shall only be liable to prosecution for acts committed in the performance or in connection with the performance of his duties on production of a detailed report drawn up by the magistrate under whose authority he serves and after notification of the Appeal Court by the public prosecutor." (Article 13.)

that: "in the interval before an appeal hearing and during an appeal hearing, sentence shall be suspended". Without a copy of his police record, the former transitional Prime Minister, who conducted his electoral campaign from prison, would not have been permitted to stand in the first round of the presidential elections in June 1996.

In September 1995 **Timan Djime** and **Assarak Ali**, two Tama tradesmen and tribal chiefs, were arrested by officers of the *Agence nationale de sécurité* (ANS), National Security Agency, the counter-espionage service. They were subsequently taken to the *Renseignements généraux* (RG), General Intelligence Service, premises in the former presidential palace, where they were held for five months before being released without charge or trial. The authorities had accused them of financing the ANTD, an armed opposition group.

In November 1995, after the security forces had driven back the FNTR and ANTD which had occupied the town of Adré, Ouaddaï for two hours, at least 18 people, including **Abdoulaye Koundek**, a tradesman, and **Faki Nouri**, a representative of the district chief, were arrested for "complicity with the rebels". They were released several days later without charge.

In July 1996 **Ngarlegy Yorangar le Moiban** was arrested and held for two weeks at Bébédjia, Logone Oriental, where he was campaigning in the second round of the presidential elections on behalf of General Abdel Kader Kamougué, leader of the *Union pour le renouveau et la démocratie* (URD), Union for Renewal and Democracy. He was subsequently transferred to the Gendarmerie's national section of judicial investigation in N'Djaména. He was held for a period exceeding the limit of custodial detention and accused variously of campaigning for General Kamougué outside the legally permitted period and of "having dealings with the enemy". He was released after two weeks without charge. Since his release he is reported to have received a number of serious threats against his safety from members of the security forces.

Other people have suffered apparently arbitrary arrest for unclear or unspecified reasons, and then been released shortly afterwards. These arrests are carried out in defiance of all normal procedures and with no legal basis. At Abéché in Ouaddaï in April 1995, six people were arrested for unknown reasons; four were released a few days later thanks to the intervention of the *Ligue tchadienne des droits de l'homme* (LTDH), Chadian Human Rights League, but **Ali Issaka** and **Abdoulaye Moura** remained in detention without charge or trial for two weeks. In July 1995, **El Hadj Hisseine Moussa**, the village headman of Alifa, was arrested on the orders of the sub-prefect for allegedly criticizing the district chief. He was released four days later.

There were other arbitrary arrests in the Ouaddaï and Lac prefectures. At Moussouro in March 1995, **Kissya Gali**, a census taker, was arrested and held for four days when he went to report the theft of a blanket. In March 1995, at Goz-Beida in

Ouaddaï, **Ramadji Naton**, an art teacher at the local high school, was arrested on the basis of a false denunciation. He was held for at least four days.

B. Torture and ill-treatment

Torture has become so widespread in Chad – particularly the use of "arbatachar", a method in which the victim's arms and legs are tied behind his back, causing extreme pain, open wounds and sometimes gangrene – that everyone held for political reasons considers this method to be perfectly normal when arrests are made. A former prisoner of conscience, who had been arrested in April 1995 and was questioned a year later by the Amnesty International mission, said in all seriousness: "*I wasn't tortured, I just have scars on my arms from being tied "arbatachar" for over five hours; the other people who were held with me suffered a lot.*" This acceptance by the victim of the everyday and routine nature of torture is one of the most perverse results of the spread of such practices.

Non-governmental organizations concerned with the human rights situation and former detainees met by the Amnesty International delegation confirmed that ill-treatment was widespread throughout Chadian territory. However, it is rare for complaints to be lodged as victims are afraid of attracting reprisals, or believe that those responsible will never be brought to justice. When no complaints have been lodged, under Articles 12 and 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment⁷, Chad is bound to open an impartial investigation whenever there is good cause to believe that an act of torture has been committed, even when the victim entitled to lodge a complaint has been prevented from doing so.

⁷ Article 12: Each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.

Article 13: Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

People suspected of belonging to the armed opposition are especially liable to ill-treatment. In most cases they are tortured at the moment of arrest or in Gendarmerie quarters by army and Gendarmerie officials looking to make them "confess" their political sympathies or to obtain information. Some detainees have also been tortured in the middle of the night in the bush, on the banks of the Logone and in the offices of the ANS.

The Chadian authorities have not conducted any satisfactory investigations into the following cases and have not brought any of those responsible to justice.

Edmond Mbaïhornom who was arrested in March 1995 after the company Cotontchad found FARF leaflets in his office and was forced to confess under torture. During his detention he was kept in a cell nicknamed "the oven" because of the extreme heat inside it. He was kept there in handcuffs for over a week. The Amnesty International delegation took his testimony in April 1996: *"At the end of the second day, I was interrogated around midnight. The soldiers bound me hand and foot and pushed me to the ground. They wound a scarf round my face and afterwards poured water with chilli in it on my eyes and into my nostrils . . . They kicked me with their "rangers" [army boots]. They asked me if I was one of the demonstrators who had jeered the President. Afterwards, I confessed that people – including human rights activists - whose names were on a list were all "codos".* After extracting these confessions by torture, the Chadian security forces insisted with threats that Edmond Mbaïhornom should declare on national radio that he had never been tortured. After being held at Moundou for 46 days, Edmond Mbaïhornom and other detainees were taken by VLRA to N'Djaména. In the course of their transfer, the detainees were honoured *"during a halt at Laye with a "welcome" during which [they] were greeted by a row of several soldiers who hit [them]"*. The detainees, who had been arrested in April 1995, were released under an amnesty in June of the same year. All these detainees fear rearrest and some hardly dare to walk down the street. **Laokeim Médard**, one of the detainees who wanted to reclaim the personal belongings which had been confiscated by the security forces at the time of arrest in Moundou, was told by a military official: *"The day you turn up at the Gendarmerie to reclaim your belongings, it'll be your corpse that goes back home."*

Accounts given by victims and former detainees reveal new methods of torture for extracting confessions. *"M—, aged 35, was a market porter. The soldiers, being unable to put him in a hessian sack, tied him "arbatachar", then tied him to the back of a SOVAMAG [an overland vehicle]. He was dragged in this position for a kilometre along the banks of the Logone."* The former prisoner of conscience who gave this testimony told the Amnesty International representatives in April 1996 that when the prisoner returned to his cell, he was unrecognizable and unable to move for over a week.

To further terrorize detainees, interrogations are carried out at night. *"Every time they brought us out to be tortured, they told us how the first man had undergone the ill-treatment, they kept shouting: 'If you don't want to go back in the sack, you must tell the truth.'*" (Written statement by a former detainee.)

Numerous reports of detainees being put in hessian sacks and immersed in the River Logone have reached Amnesty International. Several mutilated and unrecognizable bodies were retrieved from the Logone in 1994 and 1995 and also in 1996. So far no investigations have been carried out, but the description of torture methods suggests that the perpetrators are easily identifiable. Indeed, one of the victims retrieved from the Logone wore an armband made of military cloth. This way of putting a signature on a crime leaves no doubt that these acts are committed by soldiers.

Alladoum Vincent, a tradesman in Moundou, was arrested several times in 1995 after successfully tendering for a contract. On his first arrest in April 1995 he was taken from his cell around midnight. He was tied "*arbatachar*" and taken behind the bridge in Moundou. He was thrown to the ground and military officials trampled on him with their "rangers".

Another torture technique consists of using two metal rulers or two pieces of iron tied together by two elastic bands and placed by the torturers around the head of the victim who was tied "arbatachar" against a tree or a post. Then, repeatedly for at least an hour, the security forces tap rhythmically on the metal rulers or pieces of iron with another piece of iron. Victims of this torture told the Amnesty International delegation in April 1996 that their "heads were bursting with vibrations". Some people who were arrested in 1995 on suspicion of belonging to the "codos" were tortured in this way.

In addition to cases of torture and ill-treatment in detention, several people, including children, have been "chicottés"⁸ and beaten by security forces on patrol in search of "codos". In August 1995, at

Mbeuri in Logone Occidental, three children were whipped by security forces. During the same period, **Fidel Mbaypanduyo**, headman of Gouri, was arrested and tortured, and troops also extorted a large sum of money from him.

In August 1995, dozens of troops arrived in several vehicles and beat the inhabitants of Karyo-Ba with gun butts and sticks, particularly injuring two people, **Enoch Najibi** and **Moudjiba Enoch**.

⁸ Literally "whipped"; a term used by the victims for being beaten with branches of the prickly lemon tree.

In March 1996, claiming that they were in pursuit of "codos", the security forces fired on civilians at the market in Goré, Logone Occidental. At least 11 people, including

children, were admitted to Bébeloum hospital in a very serious condition. In April 1996 the Amnesty International delegation was able to visit some of the victims who were still in a serious condition in hospital: 13-year-old **Rimoububue Diallo** had had an arm and leg amputated, 18-year-old **Bjekoungaye Benjamin** had a fractured femur caused by a bullet splinter, and several others, including **Djenon Jacqueline**, had bullet wounds. It should be stressed that the prefectorial authorities, when contacted by the Amnesty International delegation before its visit to the hospital, had accused the "codos" of starting the shooting at Goré market. The account given by the victims and by witnesses contradicts that of the prefect of Logone Occidental.

Ill-treatment is also being used by Chadian security forces to intimidate members of opposition parties. **Antoine Bangui**, leader of the *Mouvement pour le redressement national du Tchad* (MORENAT), Movement for the National Recovery of Chad, a political party, and his son, **François Bangui**, were beaten by members of the FIR while campaigning in April 1995 in the districts of Logone Oriental and Logone Occidental.

The systematic use of torture is confirmed by the *Association des victimes de la répression en exil* (AVRE), Association for the Victims of Repression in Exile, which has carried out several missions to Chad to tend victims of ill-treatment. In its April 1996 report, AVRE cites, amongst others, the case of "*a young man of 21 who explained that he had been arrested at the same time as his father in mid-December 1995, been beaten and trampled on, and, while sitting on a chair, had had a nail pushed up his urethra, a torture of which he retained manifest physical signs in the form of intense pain along the whole length of the urinary tract, and a copious discharge of pus...*".

C. Deaths in detention as a result of torture

"In August 1995, after troops had fired on the village of Kou-Douhou in Logone Occidental, several people were arrested, including Mme Betar Béatrice, Mouale Olivier and Ndobi Abel. The latter was taken to a secret detention centre where he was tortured. He was taken to Moundou hospital for treatment and died the next day." (Statement by the victim's brother, interviewed by Amnesty International in April 1996.)

The death certificate filed by Moundou hospital stated that **Ndobi Abel** was treated for multiple bruising, and that on arrival at the hospital he was in a state of

collapse and had a swelling of the forearms resulting from prolonged constriction of the veins in the arms. The scars on the victim's arms strongly suggested that he had been subjected to the torture of "*arbatachar*".

In complete disregard of legal procedures, detainees are often taken from their cells for interrogation by the Gendarmerie commandant without the public prosecutor's authorization. **Mbaitarem Nasson**, a "codo", was found dead in August 1995 after being taken from his cell by the Gendarmerie commandant without the authorization of the Moundou public prosecutor. Mbaitarem Nasson was amnestied under the June 1995 amnesty but was kept in custody for a common-law offence. The gendarmes claimed that they wanted his cooperation in locating shells which had allegedly been stolen from a barracks. After being recaptured when he tried to escape, he was allegedly forced to drink a large quantity of water and then tied to a tree and nails were hammered into his head in the form of a crown. He was then shot. Two other detainees, including **Nguétigal Phil**, were found dead in similar circumstances. Although the general public prosecutor promised to expedite an investigation into the circumstances of this death, no commission of inquiry has yet visited the scene. The Gendarmerie commandant who gave the order for the prisoner to be taken from his cell has apparently been transferred to another region, but no action has been taken against him.

Mbaïlasse Gédéon, a former soldier who was arrested on 9 March 1996 along with **Mbaïndogonoudji Laoubara**, a civilian, by gendarmes of the Moundou rural sub-prefecture, was found dead at the Moundou criminal investigation brigade. Both men were suspected "codos" and were held without the knowledge of the Moundou public prosecutor, who informed his superiors in an exchange of letters that Mbaïlasse Gédéon had apparently suffocated as a result of the heat in an overcrowded cell intended for only eight occupants. The Moundou public prosecutor added: "*His death would have been avoided if, when the prisoners knocked on the door, the gendarmes had opened it.*" The judicial authorities have not opened any investigation, nor has any action been taken against the men on guard duty.

During the night of 25/26 September 1995, **Belkoum Odette**, who had been accused of stealing bracelets and held for over 10 days at Béboto Gendarmerie headquarters in Logone Oriental, was taken from her cell and brought by police officers to her home, where she died shortly afterwards as a result of ill-treatment. Threatened with a whip, she had been forced to drink a large quantity of water. One of the officials who was arrested and questioned in connection with this investigation told the officers from Doba: "*On our arrival, we searched the deceased's house, but still found nothing. She told us at one moment that we should see her brother, at another that we should see the village headman. All this time she was tied with her arms behind her back. The deputy commandant, who was in charge of the proceedings, was annoyed and asked the village headman to bring him water in a large basin, which he made the deceased drink in order to get a confession, but still without success. He hit the deceased and authorized us to hit her. In addition, he burned the deceased's nipples. As she lay dying, she finally said we should ask her daughter.*" The 15-year-old daughter was tied "*arbatachar*" and raped by the security forces. The main perpetrator of the death of Mme Belkoum Odette and of the rape of her daughter, a soldier, was arrested but was able to escape with help from inside the prison. He is reported to be now working at the Chadian presidential palace. These cases are good illustrations of the impunity enjoyed by the Chadian security forces.

In addition to deaths in detention, several people have died as a result of ill-treatment at the time of their arrest. **Ndoyo Ambroise**, a driver at the Méridien Biao Bank in Moundou, died in April 1995 from injuries inflicted by the security forces. Ndoyo Ambroise was at the wheel of his car when a Gendarmerie patrol ordered him to stop. He died two days after being admitted to Moundou hospital. The death certificate stated that Ndoyo Ambroise "*had died of a fractured skull as a result of a beating*". His family lodged a complaint with the Moundou public prosecutor, but the case has not led to any judicial proceedings.

The other regions of Chad have not been spared the brutality of the security forces. In April 1995, in Ati in Batha prefecture, in the centre of the country, **Agboudja Hissein** from the village of Djoubjournalak was tied up and then beaten, mostly on his genitals, by security forces. The victim died of his injuries several days later. Also in Ati, members of the third military company beat **Zakaria Daoud**, a trainee driver, who later died of his injuries at the medical centre in April 1995.

In May 1995 **Ahmat Bougui Breme** was beaten by the security forces at Oumhadjer in Batha for refusing to supply water free of charge to two soldiers. He was taken to hospital and died a few hours later.

Article 209 of the Chadian Code of Criminal Procedure authorizes an officer of the judicial police "in cases of violent death or of death from unknown or suspicious causes" to call on the services "of a medical practitioner in order to discover the cause of death and to make a report". However, at no time has Amnesty International received information showing the Chadian authorities to have investigated the circumstances of the deaths described above.

D. Extrajudicial executions and "disappearances"

*"On the night of 19/20 August 1995, about 300 troops riding in 10 vehicles, including VLRA's and SOVAMAGs, patrolled the canton of Beissa [in Logone Occidental] looking for "codos". Around four o'clock in the morning they surrounded the village of Ber-Beissa and asked the 72 villagers to come out. Eleven young men, including me, were picked out and they hit us with gun butts and stones; they tied our hands behind our backs and made us walk a long way. They made us drink water and eat grass like animals. When they arrived at a certain place, they stood us in a circle to pick us out. While one soldier held his gun against the head of **Djébayom Etienne**, another soldier held his gun against his stomach; they both fired at the same time. They did the same thing to my other friends, **Djékoungatan Amand**, **Djékounyom Gabriel**, **Warie Sylvain** and **Nadjihadem Sébastien**. Some of us tried to run away, and that's when **Ngombaye Gédéon** was shot; my friends' mutilated bodies weren't recognizable any more."* (Account given by a survivor, recorded during the Amnesty International mission in April 1996.)

Amnesty International has repeatedly drawn the attention of the Chadian authorities to the massacre of defenceless civilians. Often operating at nightfall, when all village activities have ceased, the army and Gendarmerie continue to be responsible for a large number of extrajudicial executions. These military operations, officially aimed at the arrest of members of armed opposition groups, regularly result in the deliberate killings of civilians by troops and gendarmes.

Unarmed civilians are killed on the pretext of attacks on troops by armed opposition groups. The political authorities, like the security forces, often try to encourage the idea that the victims are "codos", not only to justify the use of force but to cast doubt on all reports of widespread human rights violations.

*"Around three o'clock in the morning, in August 1995, during a military operation in search of 'codos' in the fishing village of Kou Doholo in Logone Occidental, we were surrounded by troops who started firing on the village. The dogs began to bark, provoking a rush to escape, and we started to flee. My father (**Goubé François**) and mother were sleeping in their house. When I saw the soldiers I jumped into the water. I saw the soldiers shoot my father with two bullets. His body was thrown into the river. He was found dead four days later. The village, which had over 100 inhabitants, was set on fire. The soldiers took the nets and the cattle." (Account given by the son of Goubé François, translated from Ngambaye and recorded during the Amnesty International mission in April 1996.)*

During the period under consideration, Amnesty International discovered that the victims of extrajudicial executions come mainly from the two southern provinces, Logone Oriental and Logone Occidental. This distrust of southern peoples by the central authorities is not new. In recent decades, the peoples of the two Logones have often been victims of arbitrary action by the Chadian army. In 1984, several hundred civilians were

killed and the killings continued in August 1992, January 1993 when the CNS was being held, and August 1994.

Several dozen people from the two Logones were extrajudicially executed in 1995. Some were killed because they were trying to prevent the arrest of innocent civilians. After intervening in the arrests of several villagers of his district who were accused of being "codos", **Djanko Elysée**, district chief of Ber-Beissa, was shot by the security forces in August 1995. Similarly, on 23 August 1995, between Bekos-Mian and Ber Laoukassy in Logone Occidental, after six people had been killed, a soldier who had tried to help villagers escape was shot by his comrades in arms.

Although the victims are chosen arbitrarily by the security forces, extrajudicial executions are systematic. In August 1995 **Adelkérime Moupeng**, a "deflated"⁹ former lieutenant, and a supply teacher, both of whom were forced to prepare soldiers' meals, were found dead. They had been submerged in the river by a rope tied around their necks. Other people have been shot without apparent reason, showing the completely arbitrary nature of the killings carried out by the security forces. In April 1995, at Boloro in Panzengue district, Logone Oriental, four people were extrajudicially executed. The following month, at Bekaoun, four more people, including **Gondje Jérémie** and **Digandei Eloi**, were shot by the security forces. In May 1995 **Tarmanguem François** was seized at Makene, a few hundred metres from Moundou, and taken away to be extrajudicially executed. During the same period, at Mayéti/Baikoro in Logone Occidental, **Dionailoro Arthur** was also extrajudicially executed by the security forces. Also in May 1995, Claude Djeratarlom, a farmer, was shot by a squad commander at Bédara for trying to hitch a lift in a military vehicle. In August 1995, at Nian I in Logone Occidental, troops arrested three villagers at random, including **Djékaousem Joachim**, who was taken out of the village and extrajudicially executed. The soldiers had mutilated his eyes, nose and mouth beforehand.

The high incidence of extrajudicial execution was confirmed by an investigation carried out jointly by Chadian human rights organizations and the *Commission nationale des droits de l'homme* (CNDH), National Commission for Human Rights, set up in September 1994 by the CNS. Between 3 and 12 June 1995, this joint mission made inquiries in the two Logones and discovered human rights violations, including the extrajudicial executions carried out in April 1995 by the security forces. The brother of **Diondeï Eloi**, a neighbourhood chief at Benoyel and also an official of the MPS, President Déby's party, told the joint mission: "*My brother had just had an operation, he*

⁹ Term used to describe soldiers who left the army after its restructuring.

didn't have the strength to run away. That's why he was lying down inside. Three soldiers came and found him in his room, started by beating him, and broke both his arms; afterwards they brought him out in front of his room and shot him in cold blood." The joint mission observed that bloodstains were still visible in front of his door and remarked particularly on the disappearance of five villagers, including **Sébastien Ndoumaye** and **Thomas Laokein**, from the village of Boy-Bessao after the exactions committed by the security forces in the region. The joint mission also reported the abuses committed by one of the armed opposition groups, the FARF.

Attacks on civilians by the security forces have led to an exodus of villagers. Some civilians, who had returned home after fleeing, told the Amnesty International delegation in April 1996 that they were afraid of being killed in raids by troops and that their confidence in the ability of the security forces to protect them, and of the legal system to provide them with some compensation, was badly shaken. One of the survivors told the Amnesty International delegation that some young men who had been able to escape from extrajudicial executions had not returned to Chad after fleeing to Cameroon in August 1995.

This loss of confidence is explained by the fact that the most flagrant arbitrariness is combined with complete impunity. The Chadian authorities have so far taken no steps to bring to trial those members of the security forces who have committed serious human rights violations.

People have also been executed in the middle of towns by the security forces. Those who witnessed the death of **Samantchoua Dongo Mboulou**, a veterinary surgeon in Moundou, told the Amnesty International delegation in April 1996 that the victim had been shot three times by soldiers, without cause. The veterinary surgeon, riding his motorcycle, was chased by the soldiers in a VLRA. No investigation has been conducted into the circumstances of his death, and no action has been taken against those who carried out this extrajudicial execution.

On 16 August 1996, **Bichara Digui**, a member of the *Rassemblement pour la Démocratie et le Progrès* (RDP), Rally for Democracy and Progress, political opposition party was shot by three unidentified men, believed to be members of the security forces, as he returned to his home in N'Djaména; his driver was seriously injured. Members of the security forces who were nearby did not intervene. Bichara Digui had revealed to the Amnesty International delegation during their April 1996 mission, that since his release from detention in December 1994, he had been summoned on a number of occasions by the Chadian authorities, including the Presidency, where he had reportedly received death threats. Amnesty International fears he may have been targeted because of his past links with the *Conseil national de redressement* (CNR), National Council for Recovery, and his current peaceful political opposition. Bichara Digui and a number of other CNR supporters were arrested immediately after the extrajudicial execution of **Abbass Koty Yacoub**¹⁰, the then leader of the CNR, in October 1993. They were held without charge or trial until December 1994. AI considers they may have been prisoners of conscience detained because of their links with Abbass Koty. No investigation is known to have been initiated into the circumstances of Bichara Digui's death.

Amnesty International has also been informed of cases of combatants, arrested during clashes between the armed opposition and the security forces and then extrajudicially executed. **Adam Ishagh**, FNTR organizational secretary, who was

¹⁰For further information on the extrajudicial execution of Abbass Koty Yacoub please see Chad: Empty promises - human rights violations continue with impunity (AI Index: AFR 20/03/95).

arrested in late September 1995 at Touyo in Ouaddaï, was subsequently extrajudicially executed.

With regard to "disappearances", Amnesty International has drawn the attention of the Chadian authorities in the past to the use of this practice to eliminate or imprison those against whom the state can find no charges or against whom no proceedings can be taken. The aim in making people "disappear" is also to create a climate of terror and to prevent mourning arrangements from being made in the normal way by the victims' families.

Amnesty International's last report on Chad described the "disappearances" reported in 1993 and 1994. Despite Amnesty International's appeals, the Chadian authorities have never replied to the organization's queries on the extent of the practice, which continues to this day. On this subject, Amnesty International recalls Resolution 47/133 (18 December 1992) adopted by the United Nations General Assembly which states:

Article 2

1. No state shall practice, authorize or permit enforced disappearances.

Article 6

1. No order or instruction of any public authority, civilian, military or any other, may be invoked to justify an enforced disappearance. Any person receiving such an order or instruction shall have the right and the duty not to obey it."

Alyo Bouka, who was arrested in July 1994 in the bush in Logone Occidental for belonging to the FARF, held for over 24 days in the military quarters opposite Moundou brewery and transferred by Hercules C130 to N'Djaména, has not been seen since.

The joint mission of the CNDH and human rights organizations to the two Logones in June 1995 also noted five cases of "disappearance", including those of **Laoukein Thomas** and **Bondoudje Laurent**.

In August 1996 four members of Chadian the CNR and the ANTD, two armed opposition groups, "disappeared" after being forcibly returned to Chad on 3 August 1996. They were among several members of Chadian armed groups arrested in El Généina in Sudan by members of the Sudanese security forces and reportedly transferred to N'Djaména by the ANS. None have been seen since.

E. The death penalty

In February 1996, the death sentences passed on **Daoud Ahmat Chérif**, **Awat Abdou** and **Yacoub Issaka** are reported to have been commuted to life imprisonment. Daoud Ahmat Chérif and Awat Abdou, both members of the Chadian security forces, were sentenced to death in August 1994 after being convicted of murder in August 1992, and Yacoub Issaka was sentenced to death in August 1994 after being convicted of an attack on Gninguilim market place that had caused 64 civilian deaths. It is not known if three other death sentences passed *in absentia* in connection with the same massacre were also commuted.

No death sentences are reported to have been passed in 1995 or, to date, in 1996, and no judicial executions are reported to have taken place. The most recent executions were carried out in October 1991: three soldiers and a civilian were publicly and summarily executed in N'Djaména after unfair trials before a military court from which there was no appeal.

Amnesty International is concerned that under Chadian law there is no appeal against the death sentence, which is contrary to international human rights instruments, and in particular to Article 14, paragraph 5 of the International Covenant on Civil and Political Rights, which Chad ratified in June 1996. The Article states: "*Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.*" This right is of special importance in death-penalty cases, as stated in Article 6 of the Safeguards for the Protection of the Rights of Persons Subject to the Death Penalty, which requires that anyone sentenced to death should have the right of appeal and that steps should be taken for such appeals to be automatic.

III. THE VICTIMS

In addition to the cases mentioned above, other categories of victim have been targeted by the Chadian security forces.

A. Violence against women

Rape, an act which contains all the hatred and contempt of the security forces, is part of the policy of repression, intimidation and elimination of defenceless victims. When the Amnesty International delegation, during its April 1996 mission, broached the question of violence towards women, the Chadian authorities tried to minimize the problem. An official replied that it was not committed by soldiers from the north, and took refuge behind the absence of complaints to deny the occurrence of rapes committed by the

security forces. In fact, modesty, shame and social pressures ensure that victims hardly dare to seek treatment, let alone speak out or lodge complaints.

Nevertheless, there is ample information on the extent of the phenomenon: Chadian human rights organizations have published a list of victims and *N'Djaména Hebdo*, an independent weekly, has already reported many cases of rape. Both the security forces and armed opposition groups, mainly the FARF, commit acts of violence against women.

In its report published in 1995, which concerns also repression against women¹¹, Amnesty International noted that the recapture of the home territory of suspected members of armed opposition groups involves not only the execution of civilians but also the humiliation, defilement and rape of defenceless women whose bodies are confused with a conquered territory. In the mind of the Chadian military, a conquered, degraded and ravished woman appears to represent a trophy, a share of the booty.

The degradation of the defenceless victims reaches its nadir when those who commit rape know that they are acting with impunity. The testimonies recorded by an Amnesty International delegate in April 1996 give an impression of hostility, anger, contempt and a desire to humiliate the woman's body.

In September 1995, after parking their vehicles, a combined patrol of troops and gendarmes surrounded the village of M— in Logone Occidental. "*When they arrived, they started firing in the air and we ran off into the bush. I was very frightened, I had to hide in my father's room, I'd closed the door with a 'secko'*¹² *and the four soldiers who had come broke down the door. Two came in and the other two were in front of the door. They spoke in Arabic and one of them hit me with a rifle butt, it was in that room that the four soldiers raped me one after the other.*" (Testimony recorded by an Amnesty International delegate in April 1996.)

¹¹ *Chad: Empty promises – human rights violations continue with impunity* (AI Index: AFR 20/03/95).

¹² A hurdle made of straw supported by wooden stakes, generally used as fencing.

The victims' age is no impediment to troops' brutality. A witness told the Amnesty International representative of what had happened to her sister, a girl of 12: *"A group of soldiers were in the village. They had asked for drinking water, they dragged her into a house where they raped her. Afterwards we took her to hospital. The same night they raped two other young girls."*

When troops arrive, those who cannot run away, particularly children, the elderly and the sick, are easy prey.

"It was 20 August 1995 when the troops surrounded our village about five o'clock in the morning. People were starting to run away; as I was a bit sick, I wasn't able to. Then two soldiers came into the hut. They asked me if it was me who was married to a 'codo'. I said no and one of them immediately slapped me, and when I fell over, the other tore my wrap and the one who had slapped me aimed the gun at my head, telling me if I screamed they would kill me. And when one had finished, the other took his place, one after the other; each of the two soldiers had me twice before leaving me. Afterwards, when they'd gone, I had no strength left and couldn't get up."

At Moussoum in August 1995, one of the people who tried to intervene to prevent his wife from being raped by troops was extrajudicially executed.

In some instances, after committing a rape, the security forces even go as far as to force their victims' husbands to follow their example in public. Not only are the humiliated menfolk unable to protect their wives, but they are reduced by these acts to the status of torturers.

In testimony given by rape victims, troops often try to justify their actions by the search for "codos". On this question, Amnesty International points out that Common Article 3 of the Geneva Conventions states, among other things, that *"... are and shall remain prohibited, at any time and in any place whatsoever ... violence to life and person, in particular murder of all forms, mutilation, cruel treatment and torture ..."* Rape committed by either the security forces or armed opposition groups is an act of torture, clearly prohibited international human rights treaties. Despite being informed of the situation, the Chadian authorities have failed to condemn these acts and have taken no steps to prevent their troops from repeating them.

Rape has also been committed by the security forces outside of armed conflict. One of the young victims whose relatives lodged a complaint told the judicial police officer: *"On 25 September 1995 I was asleep when my mother was brought from Béboto into our village. I was woken up by the soldiers with my eyes full of sleep ... Unaware of the problem, I immediately had my arms tied behind my back. I was beaten, being worn out, and taken into the bedroom to be searched. That was how I came to lose my virginity"*

to three soldiers ... They told me not to cry out, otherwise they'd kill me." The doctor's certificate states that on examination the victim, aged 15, presented "laceration of the hymen, vaginal injuries, numerous wounds and scratches on the arms, consistent with being tied up". Before committing this rape, the troops had tortured the mother, who died as a result.

In addition to the brutality of these rapes and the trauma they inflict, there are life-long psychological consequences for the victims. Moreover, sexual assault may lead to serious physical injuries, forced pregnancy, disease and even death. Cases of suicide or voluntary departure from villages have been reported after rape, as the women suffer loss of their former status. Those who are unmarried fear that they will never be able to marry, while married women are often afraid that they will be abandoned by their husbands. Amnesty International knows the names of the victims and of the places where rapes have occurred, but prefers to withhold them on account of the social stigma involved.

B. Attacks on human rights defenders, journalists and others

Were it not for the vigilance of civil society, in particular the free press and human rights organizations, the security forces, the ANS and other organs of repression would be committing even more violations of the democratic freedoms for which civil society has fought. These rights, for which journalists and human rights activists have risked their safety and their lives, are so far not being upheld by the Chadian authorities.

Members of human rights organizations and journalists are frequently subjected to intimidation. In April 1995, for example, members of the ANS tried to seize **Gatou Ley**, one of the leaders of the *Fédération des Logone et du Tandjilé* (Federation of the Logones and Tandjilé) of the LTDH. The attempt failed, however, thanks to the intervention of neighbours who had been alerted by the noise. Gatou Ley lodged a complaint against a member of the ANS who in September was given a suspended prison sentence and a fine. During the same period, one of the officials in charge of presidential security constantly uttered threats against **Dobian Assingar**, president of the LTDH in the two Logones and Tandjilé.

At the time of the referendum on the adoption of the constitution in March 1996, the head of the LTDH in Bongor (Mayo Kebbi) was arrested and held for several days for asking a village headman to follow the instructions of the *Commission électorale nationale indépendante* (CENI), Independent National Electoral Commission, which was responsible for monitoring the referendum and elections, and, among other things, not to campaign on the day of the referendum. He was released after several days without charge.

For criticizing the manner in which the first round of the presidential elections had been held in June 1996, the *Association tchadienne pour la promotion et la défense des droits de l'homme* (ATPDH), Chadian Association for the Promotion and Defence of Human Rights, the *Association jeunesse anti-clivage* (AJAC), Anti-split Youth Association, and the LTDH were summoned by the Minister of the Interior who threatened to withdraw authorization for these three organizations to operate, on the grounds of the "highly political stand they have taken". The *Union des syndicats du Tchad* (UST), Trade Union Federation of Chad, one of Chad's trade union groupings, which called for a boycott of the second round of the presidential elections in July 1996, was suspended by the Chadian authorities on the grounds that this was a highly political gesture. The suspension was lifted in August 1996.

When arrests and intimidation do not have the required effect, steps are taken by the authorities to abolish the positions held by members of human rights organizations. In January 1995, for example, by order of the Minister of Agriculture, the position held by Dobian Assingar at the *Office national de développement rural* (ONDR), National Office of Rural Development, was abolished.

In June 1995, members of the ANS with Gendarmerie support ransacked the offices of the newspaper *N'Djaména Hebdo* and assaulted several employees. **Yaldet Begoto Oulatar**, the publishing director, and **Nassar Beloa**, a journalist who had been

arrested several hours earlier, were beaten with electricity cables and sticks on the newspaper's premises before being taken to ANS headquarters where they were beaten again. The ANS officers threatened to kill them, and demanded that they should reveal their sources. The two men were released without being charged. These events took place after Youssouf Mbodou Mbami, the Minister of Communications, and the ANS had protested against an article published in the paper in May 1995 and critical of army behaviour. At that time the editor-in-chief and director of *N'Djaména Hebdo* had been interrogated at ANS headquarters; they had been told that the authorities would not tolerate publication of such criticisms.

On the night of 16/17 November 1995, members of the security forces gained entry into the home of **Souleymane Abdallah**, a staff member of *Alternative 94*, a study group on Chad, to carry out a search. At no time did the troops show identification or state the object of the search, which took place around two o'clock in the morning. A week later, at about the same hour, armed soldiers tried to force the gate of his residence. Souleymane Abdallah lodged a complaint, but this has not led to any legal proceedings.

The right to religious freedom and freedom of worship has always been upheld in Chad. However, during the period under consideration, Amnesty International has noted cases where the security forces have taken over churches in the two Logones and committed acts of violence against Protestant pastors and worshippers.

A catechist has also been extrajudicially executed by the security forces. In September 1995, in Boumou sector in Logone Occidental, after unsuccessfully pursuing some "codos", troops arrested **Albert Nadji**, whom they accused of protecting the armed opposition. Albert Nadji denied this and stated his profession of catechist. The troops shot him in the leg. He sought refuge inside the church and covered his breast with a cross, but was taken out of the church and extrajudicially executed.

In August 1995, in Goré district in Logone Occidental, while **Gabriel Mbermale**, a catechist, was taking a religious service, the church was surrounded by the security forces. After evacuating the church, the troops forced the catechist, his assistant, the pastor of the Protestant church and the worshippers to lie on the ground outside in the full heat of the sun, where they were beaten. They were then made to run to the village square where they were again beaten. Back in the church, they were beaten yet again. During the same period, the same patrol beat **Gabriel Kouladoum**, pastor of the church at Mbéri.

In August 1995 **Mbayndul Malon**, a pastor of the evangelical Protestant church, fell from his bicycle after being slapped by a soldier. He was taken to the clinic at Sar-Goyen, where blood was found in his urine. During the same period, troops pursued

Fidèle Neleyo, an elementary catechist, on the grounds that he had been sheltering "codos". All catechism handbooks, bibles and ecclesiastical vestments were taken away by the troops. In addition, several chapels, including those at Mballa-Kaira, Madana and Goré have been desecrated by the security forces.

IV. CHADIAN AND INTERNATIONAL RESPONSIBILITY

A. The security forces

Although Chad has played with semantics by changing the names of certain security services, there has been no change in their repressive functions. The *Direction de la documentation et de la sécurité* (DDS), Directorate for Documentation and Security, became the *Centre de recherche et de coordination de renseignements* (CRCR), Centre for Investigation and Coordination of Intelligence, before assuming its present name of *Agence nationale de sécurité* (ANS), National Security Agency; the *Garde républicaine* (GR), Republican Guard, has changed its name to *Force d'intervention rapide* (FIR), Rapid Intervention Force, and has officially been absorbed into the *Armée nationale tchadienne* (ANT), Chadian National Army, but the face of repression has not changed. Successive name-changes are merely cosmetic exercises aimed at deceiving national and international opinion.

Even disregarding the support given by the Head of State to the security forces, the budget allocation for the army and law and order is higher than any other in Chad. In fact, these two headings alone account for 27.6 per cent of Chad's national budget, whereas the administration of justice accounts for only 1.2 per cent¹³.

In its report published in April 1995, Amnesty International regretted that the Chadian security forces were not playing the part of a normal army and were committing human rights violations with impunity against the civilian population. Physical violence, bringing with it extrajudicial executions, torture, ill-treatment and deaths in detention, remains the monopoly of the Chadian security forces.

¹³ 1996 summary table: allocations for public services: out of a budget of 56,991 million CFA francs (*Communauté financière africaine*, African Financial Community), the army and law and order received a total of 15,735,059,000 CFA francs while the Ministry of Justice received only 707,255,000 CFA francs.

During the meeting with the Amnesty International delegation in April 1996, some political and military officials attempted to minimize the extent of human rights violations by hiding behind "*the illiteracy of two thirds of the members of the armed forces*". They declared that the strength of the armed forces had been reduced from 37,000 to 30,000 and that the FIR, (ex-GR), fully resourced and enjoying the President's support, had been absorbed into the army.

The 7,000-man reduction mentioned by the authorities and the quartering of FIR elements in barracks, boasted of by political and military officials, have nevertheless failed to improve the human rights situation in Chad. At the same time, children are being recruited into the army. Dressed in uniforms which are too big for them, adolescents are being recruited, in the two Logones and elsewhere, to help the army in its search for members of the opposition. This recruitment of adolescents is not only a breach of the Convention on the Rights of the Child, ratified by Chad in 1990, but opens the door to all manner of abuse.

To obtain benefits or evade difficulties, child soldiers do not hesitate to denounce civilians. In an exchange of letters with the judicial authorities, the Moundou public prosecutor has drawn the attention of the authorities to, among other things, arrests carried out in defiance of due legal procedure, and he notes in particular: "*The Gendarmerie legion has put young children aged between 12 and 15 into uniform and stationed them at every barrier to denounce so-called "codos". These young children amuse themselves by pointing out anyone...*", thereby bringing about arbitrary arrests followed by torture and even extrajudicial executions. The military authorities have acknowledged that child recruitment is indeed going on, and although they are aware of the problem, they turn a blind eye to these unjustified arrests.

As for the ANS, set up in June 1993 to replace the CRCR which had succeeded the DDS, its functions have not changed: one of the objectives of its officers is to hunt, torture or execute opponents or alleged suspects named by the Chadian authorities. However, the decree setting up this institution, placed under the direct authority of President Déby, states:

"The mission and operations of the Agency are distinct from those of the police and National Gendarmerie, and it is not to be confused with them nor is it to serve as a substitute for them.

Furthermore:

"The Agency, whose operations shall be conducted with strict respect for the Laws and Regulations of the Republic and for the international commitments entered into by the state, shall not be empowered to make arrests or to detain suspects."

In June 1995, members of the ANS supported by gendarmes ransacked the offices of the newspaper *N'Djaména Hebdo*. At the same time, editorial staff were beaten with electricity cables and taken to ANS headquarters to be interrogated on the paper's sources of information. Yaldet Begoto Oulatar, the publishing director, issued the following statement shortly afterwards:

"As soon as I'd parked the vehicle and got out, a dozen officers [of the ANS] in plain clothes leapt on me and beat me with any object they could lay hands on (electricity cables, truncheons, sticks, clubs, etc.). I was particularly manhandled, humiliated, insulted and even threatened with death. The beating session was repeated twice. And all the injuries on my body were inflicted during the beating that took place within the precincts of the head office of the ANS."

In September 1995, Timan Djime and Assarak Ali, both tradesmen belonging to the Tama ethnic group and also tribal chiefs, were arrested by ANS officers.

When, during its mission, the Amnesty International delegation raised its concerns over exactions committed by the ANS, the director of that body replied that his service had not made any arrests and

that these were entrusted to the police and Gendarmerie. Moreover, he added: *"The National Security Agency does not concern itself with politics, but with anything liable to subvert public freedoms, in cooperation with other services."*

This cooperation with other services, as referred to by the director of the ANS, is used for other purposes: consultations between the ANS and other services are especially common in the event of the arrest of certain suspects or of extrajudicial executions. In some regions, including Logone Occidental, ANS officers are also in attendance on police premises.

Failure to take action against those responsible for human rights violations, monoethnicity, essentially of people associated with President Déby's ethnic group, and the inadequate training of the Chadian army are factors that encourage exactions against the civilian population.

In January 1996 the Minister of the Armed Forces strongly criticized *"irresponsibility"* and *"manifest shortcomings"*, in particular in the exercise of command and management of the men. He stated, among other things, that: *"the land army [was] virtually non-existent in every respect, namely command, organization, administration and discipline"*; in his message, he also declared that the ANT had been transformed *"into a gold mine for serving officers, who excel in the pursuit of selfish and personal interests to the detriment of their troops and of the state"*. He deplored this state of affairs and added that *"the Chadian army [had] become an organization in which abuse*

of influence, political and family intervention, insubordination and deliberate disregard of established laws and regulations combine unhappily to contribute to the organization's disarray". He also criticized the appointment to positions of responsibility of people lacking the necessary recommendations and instances of promotion that disregarded professional custom, and he claimed that "the Chadian National Army [had] become a hotbed of tribalism, regionalism and favouritism".

During his meeting with the Amnesty International delegation in April 1996, the Minister of the Armed Forces deplored the use of torture. However, when the delegation mentioned investigations and proceedings against perpetrators of ill-treatment and extrajudicial executions, he replied: "*The victims don't come forward, they don't sue for damages: so no complaints are lodged and the authorities are unaware of these incidents.*" Moreover, he added: "*There is not a lack of will on the part of the judicial or military authorities, but a lack of material means to institute proceedings.*" However, the Chadian Criminal Code and the international commitments which Chad has undertaken by ratification, in particular the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, impose an obligation to conduct impartial investigations.

B. International responsibility

Just as it is important to challenge the Chadian authorities who are directly responsible for the escalation of human rights violations in the country, so it is important to consider the purpose of the military aid

given to Chad by certain other countries. While human rights violations have been taking place during the past 15 years, Algeria, China, France, Iraq, Sudan and the USA have been providing political, financial and above all military support to all successive governments of Chad, seemingly without regard for the consequences for victims of human rights violations. Some opposition groups, including the one formerly led by General Déby, have also received foreign aid, from France among others. The promotion and protection of human rights was not an issue in Chad's relations with the countries that provided it with military aid. However, this silence on the question of human rights was quickly dispelled after the fall of Hisssein Habré, a consensus having arisen among foreign governments that the grave human rights situation gave cause for alarm. And yet there were no protests at the deaths of several thousand people, some of whom were tortured and killed only a short distance from certain foreign missions.

Amnesty International believes that all governments have a responsibility to ensure that the arms and training which they supply are not used to commit violations of fundamental rights. Amnesty International takes no position on measures such as sanctions, embargoes or boycotts. It is, however, opposed to military, security and police transfers to governments or armed opposition groups when it can reasonably be assumed that such transfers will be used to commit human rights violations such as torture and ill-treatment and deliberate and arbitrary killings. At issue are transfers of equipment, personnel and training, and also logistical or financial assistance which facilitate such transfers. Governments should prohibit such transfers

unless it can be proved that they will not be used to commit human rights violations.

Amnesty International has already pointed out the connection between military, security and police transfers and human rights violations, in an earlier report on Chad published in April 1995. The testimonies recorded by its delegates from victims of ill-treatment and witnesses of extrajudicial executions in 1996 clearly reveal the diversion of this equipment to carry out human rights violations. By way of illustration: "The soldiers put us [political detainees] in a C130 [an aircraft supplied by the US Government] to take us to Faya Largeau" ... "the soldiers came to the village in 10 VLRAs [overland vehicles supplied by France] to kill us"... "During the early days of our detention, we were handcuffed in the cells [handcuffs supplied by France]."

1. France

Although it has no defence agreement with Chad¹⁴, Chad is the main recipient of French military cooperation in Africa through the

¹⁴ France has defence agreements with eight states, including Cameroon, Djibouti, Gabon and Togo; under these agreements, it maintains a permanent contingent of over 8,000 men from various branches of the services, divided between six establishments and allocated to either temporary or standing forces. French forces intervene in the event of disturbances in an African country and in crises that could have external repercussions. During the past 10 years, they have intervened notably in Togo in 1986, in Gabon in 1990, in the Comoros in 1995

Assistance militaire technique (AMT), Technical Military Assistance program. In addition to this assistance there is the April 1990 Protocol on the stationing of French troops at Kossey camp, the 30 July 1991 Protocol [aid to the ANT] and the 30 June 1992 Protocol on the restructuring of the size of the ANT.

Among other things, AMT aims to contribute, according to the *Mission militaire de coopération (MMC), Military Cooperation Mission, to the creation of "armed forces that uphold institutions and protect the citizen"*¹⁵. Although AMT does not envisage French intervention, France intervened in Chad in 1983 and 1984 in Operation Manta and again with Operation Epervier (Sparrowhawk) in 1986.

Under Operation Epervier, initiated after Libya's occupation of the Aozou Strip, France still maintains a large contingent of troops in Chad. In February 1994, however, the International Court of Justice at The Hague recognized the sovereignty of Chad in this dispute, and in May of the same year Libyan forces withdrew from the area. It would appear that the operation is now being used for other purposes.

Questioned in March 1996 by Amnesty International on the reasons for the continued presence of Operation Epervier, the French

and most recently in the Central African Republic in 1996.

¹⁵ MMC report, 1995.

authorities declared in Paris that this force was being used to assist the democratic process in Chad. Moreover, the French authorities told the Amnesty International delegation in Chad in April 1996 the Operation *Epervier* currently served as an internal and external deterrent. Essentially intended, according to the French authorities, for the protection of expatriates, the force in position, with its strength of over 800 men, is powerfully equipped for land and airborne operations.

The French authorities told the Amnesty International delegation that France was endeavouring, by means of a *Détachement d'assistance militaire d'instruction* (DAMI), Military Training Assistance Detachment, now transformed into a *Groupeement d'assistance technique* (GAT), Technical Assistance Group – a contingent of more than 200 French military personnel stationed in N'Djaména, and in other towns in the provinces – to support the Chadian state under an AMT agreement. In this context, France is involved to the extent of supplying Chad with:

- Troop transport vehicles
- Communications systems
- Fuel for aircraft and land vehicles
- Food rations
- Medical supplies
- Uniforms
- Handcuffs
- Logistical support for the maintenance of armoured vehicles, a relic of the war against Libya. For this purpose, French mechanics are

attached to the repair workshop in N'Djaména. France also carries out maintenance of light vehicles and light armoured cars.

In addition, French officers hold positions with decision making powers within the ANT. At ANT headquarters, there are French officers in the accounts, health and logistics departments and in the manpower office.

Furthermore, scholarships are awarded annually to Chadian officers of all ranks for their training in various French military colleges. Between 1992 and 1995, 456 Chadian officers were enabled to receive training in France in this way.

Lastly, there are French military advisers on the staff of every regimental commander in each of the eight military regions. French officers stationed in N'Djaména are also responsible for the training of President Déby's personal protection force.

In their discussions with the Amnesty International delegation, French officials stressed that France does not provide pay for Chadian military personnel.

In April 1995, Amnesty International asked for clarification from the Chinese, French and US governments on supplies of military equipment and on training to the Chadian army, GR and Gendarmerie.

In September 1995, the French Foreign Ministry replied to Amnesty International and informed it that the restructuring of the Chadian army initiated by France was continuing "in order to transform the armed forces, who have been in confrontation for the control of power, into a genuine republican institution obedient to the constitutional authorities. French military cooperation has also permitted the substantial reduction in the strength of the army (from 46,000 to 29,000 men in two years), to bring it down to a level compatible with financial resources."

The French authorities claim that their mission is to restructure the Chadian security forces. However, it is not yet possible to claim that the restructuring of the security forces and the reduction of their strength has made an real contribution towards improving the human rights situation. On the contrary, during the period under consideration, extrajudicial executions, rape, and arbitrary arrest accompanied by torture have all continued. The French authorities cannot be unaware that the overland vehicles, fuel, communications systems and handcuffs supplied under the AMT program have been diverted from their original purpose to be used for execution and torture.

In its April 1995 report, Amnesty International deplored the fact that French military cooperation personnel are not permitted to report to their own superiors when they are informed of serious human rights violations in the country. Amnesty International believed that such military cooperation personnel should not remain silent witnesses. In the absence of investigations or remedial action, countries

supplying military aid should submit complaints to the appropriate United Nations (UN) theme mechanisms.

During their mission to Chad, Amnesty International's delegates noted new signs of passivity and silence on the part of the French military cooperation program. At the time of the great wave of arrests in the two Logones between April and September 1995, the French military cooperation program was engaged in building work in the Gendarmerie compound at Moundou: French gendarmes were repairing the walls of the Gendarmerie barracks compound and were carrying out repairs to the roof of the building inside which were the cells where prisoners were held in handcuffs; other prisoners were held, handcuffed and chained, in poor conditions in the Gendarmerie courtyard. The account given by a former detainee also notes this presence at the time of the April 1995 crackdown: "... while people were chained like animals in the yard of the Gendarmerie in Moundou, the French instructors, advisers to the Chadian Gendarmerie, passed by without batting an eyelid, as if nothing was wrong. Sometimes they even unlocked the cells to see the roof and other things, but the pitiful state of the prisoners had absolutely no effect on them ...".

Likewise, French military cooperation personnel stationed at Faya Largeau could not fail to be aware that between November 1994 and March 1996 prisoners, who were being transported in French Transall and American C130 aircraft, were being held in inhuman conditions. In the course of an inquiry conducted under the Bangui accords, Chadian military personnel had stated in the presence

of French civil and military observers that Alain Natimbaye and his six companions had never been arrested. And yet at that very moment, the detainees in question, against whom no charges had been brought, were doing forced labour right under the eyes of French military cooperation personnel.

The French authorities told the Amnesty International delegation in April 1996 that French instructors and military personnel have no brief to intervene between the Chadian authorities and citizens subjected to human rights violations, and that they had no authority to make denunciations or to contact the media. They added, however, that military personnel who witness human rights violations report to their superiors in N'Djaména, who undertake to inform the French authorities in Paris who, in their turn, exert discreet pressure on the Chadian authorities.

This information shows that France is not prepared to condemn publicly flagrant human rights violations in Chad. Even though this passivity may lead to further human rights violations. Amnesty International feels that France, which is devoting so many financial and human resources and whose declared aim is to restructure the Chadian army into a real republican institution, is not putting human rights among its central concerns. The instructors, soldiers and gendarmes stationed in Chad to provide, among other things, training cannot fail to be aware of one of the French Gendarmerie's main legal references, stated in Article 302 of the decree of 20 May 1993: "*The responsibilities and rights of the Gendarmerie in the execution of its duties:*

"One of main responsibilities of the Gendarmerie being to watch over individual safety, it owes assistance to any person requesting its help in time of danger. Any member of the Gendarmerie force who fails to discharge this responsibility, when it is possible for him to do so, shall be considered guilty of dereliction of duty."

The convention relating to the employment of military personnel on secondment to the services of the Republic of Chad¹⁶ states:

"Military personnel on secondment under the authority of the Government of the Republic of Chad retain their rights and statutory responsibilities, such as they may be defined by the legislation and regulations in force in the French Republic, in particular with regard to promotion, assessment, discipline ..."

The Convention further states:

¹⁶ Convention between the Government of the French Republic and the Government of the Republic of Chad relating to the support in terms of personnel given by the French Republic to the operations of the services of the Republic of Chad, consisting of three appended conventions, an appended protocol and a protocol of implementation, signed at N'Djaména on 6 March 1976, and letters dated 6 and 19 October 1976 relating to Article 12 of the Convention; text published in the *Official Journal of the French Republic* on 30 April 1978.

"Military personnel on secondment to the Government of the Republic of Chad remain liable to the administrative inspections laid down by the regulations of the force from which they have been seconded in respect of the obligations arising from those regulations."

The texts cited and the cooperation agreement make the position of military personnel serving in Chad perfectly clear. French troops on secondment to Chad are still required to observe French law and their statutory obligations in carrying out their assignment. Furthermore, Amnesty International, believes it is their moral duty not to remain silent about the flagrant human rights violations which they witness.

When France:

– devotes at least 25.72 per cent of its military cooperation budget to Chad (between 1989 and 1995, out of a total of 1,541 million French francs destined for 26 countries receiving direct aid in equipment, Chad received 396 million French francs)¹⁷,

– supplies a whole range of equipment and skills in the military, security and police spheres, from military vehicles to petrol and handcuffs,

¹⁷ Advice presented in the name of the Defence and Armed Forces Commission on the 1995 finance bills for 1995 (no. 1530) and 1996 (no. 2222).

- maintains a permanent deployment of human, land and airborne resources as extensive as *Epervier*,
- entrusts this armed force with such a wide-ranging mission of both external and internal deterrence,
- assigns a contingent of over 200 French military instructors to the complete restructuring of the ANT, the FIR, the Gendarmerie and the National and Nomadic Guard, from top to bottom of the pyramid (officers, non-commissioned officers and troopers),
- organizes training and proficiency courses for Chadian officers in France,
- through its instructors trains all Chadian troops in French military doctrine, tactics, staff work, but also and above all weaponry,
- equips the men it trains, during their training, at least with French personal weaponry (rifles, submachine-guns, pistols),
- also supplies the units that it has trained or restructured with up-to-date group equipment such as communications systems,
- assigns specialist mechanics to maintenance of transport such as armoured vehicles (AML Panhard) and no doubt supplies spare parts;

Amnesty International is extremely concerned that these military, security and police transfers to Chad are contributing to the

gross human rights violations described earlier. The question of human rights evidently has no place in the AMT program, as the French authorities confirmed to the Amnesty International delegation in N'Djaména that the subject is not dealt with by its instructors. On the other hand, with the help of the French authorities, the LTDH has begun to tackle the question of human rights with gendarmes; the French authorities point out that the other units are not yet prepared to welcome the LTDH into their barracks.

2. China

Military cooperation from the People's Republic of China, which has supplied a large amount of aid – including arms and uniforms – to the Chadian armed forces, is continuing in other spheres. Chinese cooperation personnel are taking on the maintenance of Soviet-made heavy armoured vehicles and also train Chadian troops. The Chinese authorities have not responded to Amnesty International's demands for information on their military cooperation with Chad and further details are not available.

3. The Netherlands

The Netherlands has supplied the Chadian Government with helicopters manufactured in France, officially intended for the Ministry of Tourism for wildlife protection. These machines are in fact being used by the army against the armed opposition in the Lake Chad region. The civilian population of the Lac region has sometimes suffered reprisals at the hands of Chadian security forces, as described

earlier. Attempts have also been made to turn the helicopters into gunships.

4. The USA

In the past, the USA promoted direct military sales to the Chadian Government. The value of these sales was expected to reach US \$3.7 million in 1995. In January 1996, however, the US Embassy in N'Djaména wrote to Amnesty International to inform it that the USA was not encouraging the direct or indirect sale of military equipment of any kind and that, to its knowledge, there had been no sales of this sort in 1995 and that all military training for Chad had been suspended in July 1995.

However, Amnesty International cannot help regretting that the Chadian security forces' capability for human rights violations derives partly from military, security and police transfers from the USA. Officers of the DDS, were in the past trained in the USA and are now with the ANS, which persists in the same practices. Hercules C130s, supplied by the USA and maintained by US technicians, were used in 1994 and 1995 for transporting Chadian soldiers who were responsible for human rights violations and for the transfer of political prisoners to Faya Largeau, where they were made to do forced labour.

5. Other countries

Officers of the Chadian army have also reported to have received training in Algeria, Sudan, Iraq and Libya. Helicopters supplied by the Netherlands are reported to have been serviced in Portugal.

Generally speaking, any country that has helped, or continues to help, to strengthen Chad militarily has increased its capability for human rights violations. In the light of the human rights violations reported by independent bodies in recent years, and the sufficiently numerous examples showing how military, security and police transfers are being used for torture and extrajudicial executions, it would be difficult for other governments to say that they are unaware of the use made of this military aid by the Chadian Government.

To applaud the departure of Hissein Habré, who was responsible for widespread human rights violations facilitated by military aid seems cynical. It is equally cynical, even criminal, not to learn from the past and to continue military cooperation with his successor who is persisting in the same practices.

V. FAILURE TO PROTECT HUMAN RIGHTS

In 1993 Amnesty International hailed President Déby's initiative, taken when he came to power 1990, of appointing a "Commission of Inquiry into the Crimes and Misappropriations of the Former President and His Fellow Perpetrators and/or Culprits". This commission, which carried out a thorough investigation into the violations committed under President Habré, made public a report in which it recommends, among other things, that judicial inquiries

should be conducted and that those responsible for violations should be brought to justice.

A. Impunity

During its latest mission, in April 1996, the Amnesty International delegation raised the question of failure to act on the report of the commission of inquiry, and also asked the authorities if investigations were going to be conducted into violations committed since General Déby came to power. One of the ministers who met the Amnesty International delegation replied that the report of the commission of inquiry was a matter of great dispute within the government, and that if disciplinary measures were to be taken, then the whole of Chad ought to be on trial. The military officials who were asked the same question explained that they could not answer for acts committed before their promotion to positions of responsibility within the army and Gendarmerie.

This comment is important, as it raises the questions of responsibility in general and of the continuity of the state in particular. In all the cases of which Amnesty International has knowledge, the acts were committed by troops or gendarmes obeying orders given by military commanders. The latter are answerable to the army chief of staff or to the head of the Gendarmerie, who take their orders directly from the Ministry of Defence and the President. Responsibility therefore attaches also to those who have given orders, because they have legitimized acts committed by people who are directly answerable to them.

The question of the responsibility of the Chadian authorities at the highest level thus needs to be raised. Although the authorities have tried cover up human rights violations, it was they themselves who ordered them and had them carried out by troops and ANS officers.

There is no better illustration of the reluctance of the Chadian authorities to combat human rights violations than the repeated instances of the complete freedom of action and impunity enjoyed by the security forces in committing widespread human rights violations.

B. Lack of independence of the judiciary

Impunity is noticeable in the judiciary's lack of independence. Chadian magistrates have suffered many attempts at intimidation on the part of the political authorities. Some of them have courageously protested against the judiciary's subservience and powerlessness. Magistrates and judges have complained that they no longer have any control over the arrests that are carried out systematically by the security forces. On this account, some, including the Moundou public prosecutor, have written on several occasions to the competent authorities to protest against military interference in judicial affairs. For example, in August 1995: "By order of the commandant of Gendarmerie Legion No. 8 of Logone Occidental, the accused was taken from his cell without the knowledge of the prosecution and handed over to a group of soldiers ... After being taken into the bush, this person and others were shot dead after being subjected to appalling torture ... This act constitutes, without any doubt, a gross interference in judicial

business. This is why I have insisted on making a vigorous protest to the commandant of the legion against this interference." Despite these protests to military officials, no action was taken and arrests outside judicial control continued during 1995.

These protests were repeated in a letter to the judicial authorities from the Moundou public prosecutor: "For several weeks people have been apprehended every day and detained at the offices of the investigation squad for belonging to the FARF or for collusion with the "codos". I should like to point out, however, that some of these people are being arrested either in the middle of town or on the strength of malicious denunciations ... All my protests to military officials have led nowhere. These people are being detained without any proper procedures ..."

Despite the demands for independence put forward by some magistrates, pressure is often applied by the political authorities for prisoners to be released before judicial proceedings are completed. In 1994, for instance, the GR insisted that a public prosecutor should release a prisoner who was close to the President. In some cases, prisoners benefit from mysterious collusion inside prison. One of the military officials believed to be involved in the death of a woman in detention in October 1995 managed to escape from his cell and is now reported to be stationed at the Chadian presidential palace.

Magistrates also encounter much difficulty in initiating inquiries into human rights violations.

The law as it currently stands allows the public prosecutor to notify the competent authorities in the event of negligence on the part of officers of the judicial police. A law amending several articles of the Code of Criminal Procedure was voted by the *Conseil supérieur de transition* (CST), Higher Transitional Council, to strengthen the position of the public prosecutor. However, although it was promulgated by President Déby in August 1994, it cannot be applied because the Minister of Justice has not signed the decree of implementation. In practice, petitions from magistrates concerning investigations into human rights violations are ignored. For instance, when orders are issued by the public prosecutor for the questioning of military personnel responsible for human rights violations, the gendarmes refuse on the ground that they cannot question their superior officers. After the Moundou public prosecutor had obtained the release of some suspected "codos", the military authorities and Gendarmerie told him that some detainees no longer fell under his judicial authority.

Chad's political leaders exert constant pressure on magistrates in order to extinguish the independence of the judiciary. In some regions, including Moundou, magistrates have been summoned by the prefect and criticized, among other things, for allowing human rights groups to visit prisons. Certain decisions taken by the judiciary have often been badly received by the authorities, who have subsequently altered the composition of certain courts.

After the appeal court had declared the first census invalid in April 1995 following a complaint by the *Fondation pour le respect des*

lois et des libertés (FORELLI), Foundation for the Respect of Law and Liberties, the composition of the court was altered and two of its judges were transferred.

Political leaders ensure that prisons and detention centres are not under the control of public prosecutors. Prisoners have been taken from their cells by Gendarmerie officials; several of these prisoners later died as a result of ill-treatment. Exceeding their powers, military officials have even gone so far as to chain and handcuff, in the presence of the public prosecutor, prisoners arrested between April 1994 and October 1995.

When, in 1996, the Amnesty International delegation raised the problem of the independence of the judiciary with the Prefect of Moundou, he declared: "Yes, and you can quote me, the magistrates are drunkards who aren't up to their job."

C. The legal and constitutional background and the failure of the authorities to promote human rights

In March of this year, Chad approved by referendum a constitution which replaces the Transitional Charter drawn up by the CNS in 1993. These two constitutional documents provide important safeguards for the protection of human rights. In addition, the Chadian Criminal Code and Code of Criminal Procedure contain several provisions for the punishment of those responsible for ill-treatment. Furthermore, Chad has ratified several international

instruments, including the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, as with President Déby's empty promises, there is virtually complete disregard of provisions for human rights protection and the authorities are failing to uphold their commitments.

The principles relating to human rights protection drawn up by the CNS have thus not been implemented – for example, the ban on all illegal detention, arbitrary arrest and extrajudicial execution. The same goes for the bringing to justice of members of the security forces who have committed human rights violations.

Article 21 of the Constitution provides, among other things, that "illegal arrest and detention shall be prohibited". While the people of Chad were granting their approval to the Constitution, a human rights activist was under arrest and being detained arbitrarily. During the second round of the presidential elections, Ngarlegy Yorangar le Moiban, who had been a candidate in the first round, was arrested and detained arbitrarily for over 10 days.

Under the terms of Article 24 of the Constitution, "every person charged with a crime shall be presumed innocent until his guilt has been established by due trial which shall provide guarantees essential to his defence". The people arrested since July/August 1995 and held for a time at Moundou Gendarmerie headquarters before being transferred to Faya Largeau have still not been informed of the reason

for their arrest. Moreover, nor do their relatives know where they are being held.

Free trade unions are guaranteed by Article 28 of the Constitution. However, the UST which called for a boycott of the second round of the presidential elections, was suspended by the Chadian authorities.

Article 151 of the Criminal Code states: "... if a person arrested, detained or kept under illegal restraint has received death threats; if persons arrested, detained or kept under illegal restraint have been subjected to physical torture; the culprits shall be punished ...". Although the Chadian authorities have been aware of acts of this nature sometimes occurring even on premises actually under the control of the Ministry of Justice, no action has been taken against those who have abused their authority. Article 247 of the Criminal Code, which lays down penalties for those, "whosoever they may be, who, in the furtherance of their crimes, employ torture or commit acts of brutality", has never been enforced. The perpetrators of torture and acts of brutality have never been brought before the Chadian courts. Nor have Articles 143 and 148 of the Criminal Code, which lay down penalties for individuals of their superior officers who have "commanded or performed any arbitrary act or any act prejudicial either to individual liberty or to the Constitution", ever been enforced.

The Chadian Government demonstrated its intention of condemning arbitrary arrest, torture and extrajudicial executions by ratifying certain international instruments, including the International

Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in June 1995. In addition, Chad has also ratified the African Charter on Human and Peoples' Rights.

Despite these national and international commitments, Amnesty International remains concerned because, in reality, detainees are still being tortured, in disregard of Chad's commitment to prevent torture, and in spite of legislation under which confessions obtained under duress are inadmissible and the use of torture is an offence punishable by law. Despite the very great number of torture allegations, no judicial investigations have been opened by the competent Chadian authorities; this is a breach of Articles 12 and 13 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which lay down that an impartial investigation shall be opened every time that there is good reason to believe that an act of torture has been committed, even when the victim who should be entitled to complain has been prevented from doing so.

D. The National Commission for Human Rights

*Even when the Chadian authorities agree to set up their own human rights monitoring body, they do everything possible to reduce its power. In 1993, in view of the gravity of the human rights situation during the previous two decades and the escalation of human rights violations, the CNS made a series of recommendations, including the creation of a *Commission nationale des droits de l'homme* (CNDH),*

National Commission for Human Rights. Established in September 1994, this commission made up of both governmental and non-governmental representatives, began its work in March 1995. It is responsible to the Prime Minister and has several functions, including the conduct of investigations and advising the government. In this context, it took part notably in a joint mission of inquiry with human rights organizations in the Logones and opened an investigation into the assaults on and detention of *N'Djaména Hebdo* journalists and the ransacking of the paper's offices.

The CNDH laid the blame for the events in the two Logones and at *N'Djaména Hebdo* on the security forces and the ANS respectively, and recommended the awarding of compensation. It also called for the suspected perpetrators to be handed over to the law. In addition, in view of the increase in human rights violations committed by the security forces in 1996, it called on the government to end impunity and to uphold its commitments by respecting the international instruments ratified by Chad.

So far, government authorities have taken no steps to implement the recommendations of the CNDH. Moreover, the CNDH is prevented from carrying out its mandate fully by its location – in the Palais du 15 janvier, a public building used by the CST, strictly guarded by the security forces and inaccessible to the great majority of victims – and its lack of resources.

Amnesty International calls on the Chadian authorities to facilitate the work of the CNDH by giving it all the resources necessary

for its proper functioning, including finance, and to act on its recommendations.

VI. HUMAN RIGHTS ABUSES BY ARMED OPPOSITION GROUPS

The Chadian authorities are faced with armed opposition, particularly in the south, west and east of the country. These armed groups include the *Forces armées pour la République fédérale* (FARF), Armed Forces for the Federal Republic, the *Front national du Tchad rénové* (FNTR), Renewed National Front of Chad, the *Armée nationale tchadienne en dissidence* (ANTD), Dissident Chadian National Army and the *Mouvement pour la démocratie et le développement* (MDD), Movement for Democracy and Development. In January 1996, President Omar Bongo of Gabon made an unsuccessful attempt to reconcile the armed opposition and President Déby at a conference in Franceville, Gabon. Since this setback, there have been no further meetings between the armed opposition groups and the Chadian authorities.

“The people regularly find themselves between the hammer and the anvil.” This remark recurs constantly on the lips of human rights activists in describing the violations and abuses committed respectively by the security forces and armed opposition groups against the civilian population. Amnesty International regularly stresses human rights violations committed by agents of the state and tolerated by the government.

Nevertheless, it is common for armed opposition groups in Chad to resort to variations of the tactics of killing and intimidation practised by the security forces. In its April 1995 report on Chad, Amnesty International pointed out that during the past two decades, the legitimacy of the central government had been challenged by opposition groups, President Idriss Déby belonging to one of these before seizing power by armed force. The civil population of various regions of Chad have been regularly targeted by armed opposition groups in their struggle against the central government. Before concluding an agreement with the central authorities in August 1995, the CSNPD headed by Lieutenant Colonel Ketté Nodji Moïse committed numerous human rights abuses in the two Logones.

During 1995 and 1996, the MDD, FARF, ANTD and FNTR committed abuses, including deliberate and arbitrary killings and hostage-taking.

In March 1995 a Chadian national, Adoumadji Lokasse, and Anthony Johnson and Mamadou Diallo, two foreign nationals, all working for the *Programme des Nations Unies pour le développement* (PNUD), UN Development Programme, were taken hostage by the MDD in the Lake region; they were released after two weeks.

Apart from looting by the FARF in the two Logones, abuses have also been committed against the civilian population in these two regions.

In June, at least two people were deliberately and arbitrarily killed by the FARF in Logone Occidental.

The FARF have also committed acts of violence against girls and women. Complaints lodged by four young rape victims have enabled the judicial authorities to make an arrest. According to the testimony of one of the girls: "It was about 6 o'clock when the boys found us. They grabbed hold of us, and because we were afraid we went into the bush with them. They took some money. They took us a long way off to a house. They ordered all of us to undress and had sex with us twice. When they had had enough of their crime, they put us together in the hut, but the door wasn't locked and some time after midnight we ran off."

The joint mission of the CNDH and human rights groups to the two Logones in June 1995 accused the FARF of illegally imprisoning the district chief of Bébédjia and holding him to ransom. Only after a ransom had been paid did the FARF release hostages that they were holding in March 1995. The mission of inquiry also denounced the murder by the FARF, in May 1995, of Adoum Mahamat, a 17-year-old herdsman.

In November 1995, after a combined attack by the FNTR and the ANTD, who occupied the town of Adré for several hours, the two armed opposition groups looted buildings, including that of SECADEV a non-governmental organization, before leaving the town.

VII. AMNESTY INTERNATIONAL'S RECOMMENDATIONS

A. *To the Chadian authorities*

In June 1995, the Chadian authorities ratified certain international instruments for the protection and promotion of human rights. These international standards to which Chad has subscribed impose obligations. The human rights measures adopted seemingly have more to do with improving the country's image than with a determination to address the fundamental problems. Government forces have continued to massacre civilians, practise torture and rape women and girls, and arbitrary arrests are still being made throughout the country.

Human rights violations under Hissein Habré were investigated by a commission which made a number of recommendations that have not been implemented, and no action has been taken against the perpetrators of these violations. The organs of repression, including the Directorate for Documentation and Security (now the National Security Agency) and the Republican Guard (now the Rapid Intervention Force), have changed their names, but there is repression everywhere. The CNDH is trying to work for the promotion and protection of human rights, but is being hindered by its supervisory authority.

The human rights situation in Chad demands that urgent steps should be taken to end these grave human rights abuses. As long as these abuses go unpunished and nothing is done to prevent their recurrence, there can be no serious hope for any improvement in the human rights situation.

Amnesty International urges the Chadian authorities to establish safeguards to prevent human rights violations in the future and calls for these measures to be specified in the next periodic report that Chad is required to present to the Human Rights Committee under Article 40 of the International Covenant on Civil and Political Rights.

Amnesty International takes this opportunity of the first ever direct presidential election, appealing also to the new assembly which will replace the *Conseil supérieur de transition* (CST), Higher Transitional Council at the end of the year, to call on the country's new authorities to make the question of human rights their main concern, and offers the following recommendations:

1. End Impunity

Opening investigations

The government should expedite independent and impartial investigations, in accordance with the relevant international instruments, in particular the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions

and the Declaration on the Protection of All Persons against Forced Disappearance, into cases of extrajudicial execution and other reported human rights violations in all parts of Chadian territory; into the extrajudicial execution and rape of women and girls; and into all reports of ill-treatment by the security forces and others working for the government.

As soon as human rights violations are reported, an investigation should be opened. The investigation must be seen to be thorough and impartial. It should always follow these basic principles:

- The investigation should be opened promptly;
- Those carrying out the investigation should have full powers to gather information and to summon witnesses, and any members of the security forces and any officials suspected of taking part in human rights violations, to testify;
- Legal action should be taken against any member of the armed forces or security services who refuses to cooperate with the investigation;
- Steps should be taken in human rights cases to protect complainants, witnesses and investigators against assault, the threat of assault and any other form of intimidation;
- The body carrying out the investigation should prepare a report as soon as possible, and the report should immediately be made public.

The report should give details of the scope of the investigation, provide a circumstantial account of what took place at the time of the alleged offence, supply the data on which its findings are based and describe its procedures for assessing evidence. In addition, the report should recommend concrete and effective measures for preventing the recurrence of human rights violations. The authorities should indicate what steps they intend to take to follow up the report;

– The authorities should only be allowed a limited time to respond to the report and to indicate the steps taken to rectify human rights abuses and prevent their recurrence. They should make their response public.

Prosecution of all soldiers and officials responsible for human rights violations

The impunity which has long been tolerated in Chad must cease to exist in human rights cases. The Chadian authorities should ensure that soldiers, security force personnel and all others accused of taking part in such actions are suspended from duty. They should also be excluded, for the duration of the investigation that concerns them, from any position permitting them to influence complainants, witnesses or any other person. The government should ensure that all soldiers, security force personnel and other persons against whom there is evidence of human rights violations are brought to justice and given a fair trial at which the death penalty is precluded.

2. Adopt measures to prevent extrajudicial executions and deaths in detention

- There should be clear instructions forbidding extrajudicial executions;

- There should be strict control of all military units and security services operating in zones of armed conflict;

- All persons detained, for however short a time, should be entered in a register, both by the military, security force or police unit making the arrest and by the military, security force or police unit or other authority or custodial establishment to which the prisoner is handed over;

- Written rules on procedures relating to the use of firearms should be distributed to all soldiers, ANS officers and members of the security services. Whenever a weapon is fired during an incident, a report should be sent promptly to the competent authorities;

- The government and the military authorities should issue soldiers with clear directives stating that, irrespective of circumstances, violations of the fundamental rights of civilians or of prisoners taken in combat are unacceptable and will be punishable offences;

- Clear orders should be given forbidding all forms of torture and ill-treatment, including rape, beating and, without exception, murder of prisoners and detainees;
- All soldiers should have an officially recognized right and duty to disobey orders contrary to those mentioned above;
- The government should issue directives for the protection of the fundamental rights of detainees during questioning;
- The day, time and duration of each interrogation, and the names of all those present, should be recorded accurately in a register; the judicial authorities must be consulted beforehand.
- All prisoners should be brought before a judicial authority without delay after their arrest. Families, lawyers, doctors and humanitarian organizations should be allowed to visit them promptly and regularly. All places of custody should be inspected regularly by an independent body whose visits should be unannounced and unrestricted.

3. End the widespread use of torture

Amnesty International calls urgently on the Chadian authorities to comply with the obligations imposed by their ratification of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to take all necessary steps so that:

- All torture is automatically an offence under Chadian law;

- National legislation is amended without delay to provide genuine safeguards for prisoners' right to defence from the moment of their arrest, and particularly during the *garde à vue* period;
- The public prosecutor ensures that all allegations of torture are investigated promptly, thoroughly and impartially;
- The findings of such investigations are published and all perpetrators of torture brought to justice;
- The officers of the judicial police, under the effective control of the public prosecutor, keep a regular watch over the rules and methods of questioning and over the treatment of people in custody so as to avoid all torture;
- Detainees are informed promptly, at the outset of interrogation, of the charges against them, and have prompt access to their families, a lawyer and a doctor of their own choice;
- Torture victims have a right to lodge complaints and there is guaranteed protection of complainants and witnesses against any intimidation or ill-treatment;
- Confessions and other evidence obtained by torture are never admissible in a trial, except against someone accused of torture, to establish that a confession was made;

- Torture victims and their dependants have a right to obtain redress and to be adequately compensated;

- There is effective education and information on the prevention of torture and other cruel, inhuman or degrading treatment or punishment in all training programs for Chadian law enforcement agencies, and that the latter receive clear instructions to the effect that torture is prohibited and that such crimes are punishable by the law. These training programs must make an impact and should be prepared in cooperation with international non-governmental organizations that have experience in this field.

4. End arbitrary detention

- The government should release immediately and unconditionally those prisoners who are being held solely on account of their ethnic origin or for non-violent expression of their convictions;

- The government should annul all legal and constitutional provisions permitting administrative detention without charge or trial. All detainees should be handed over to the judicial authorities or released if they are not being charged with a recognizable criminal offence;

- All detainees should be permitted, after their arrest and regularly during their detention, to see their families and independent medical practitioners and lawyers;

– The family of a person under arrest should be informed immediately of his or her arrest and should thereafter be kept informed at all times of where he or she is being held;

5. Ensure fair trials

In all judicial proceedings, any confession or evidence proved to have been obtained by torture should be declared inadmissible. The authorities should not attempt to influence the judiciary.

6. Compensate victims

The government should pay adequate compensation to all victims of human rights violations, or to their immediate families in cases where people have been killed or have "disappeared".

7. Prevent rape

The authorities should publicly denounce rape as an act of torture and should make it clear to law enforcement officials that torture and other cruel, inhuman or degrading treatment or punishment are crimes punishable by the law, and that all law enforcement officers responsible for such acts, or for encouraging or sanctioning them, shall be brought to justice. Victims should be compensated and should receive proper medical treatment.

8. Abolish the death penalty

Amnesty International calls on the Chadian authorities to consider taking steps towards the abolition of the death penalty and, in the meantime, to ensure that trial procedures conform to the international obligations to which Chad has declared itself committed.

B. To armed opposition groups

- Amnesty International calls on armed opposition groups to take immediate steps to end human rights abuses including, hostage taking, torture, and deliberate and arbitrary killings.

- Amnesty International appeals to all armed opposition groups to respect basic humanitarian principles as laid down in Common Article 3 of the four Geneva Conventions of 1949, and in particular to treat civilians and all those taking no direct part in the fighting humanely, and to prevent the use of illegal executions and torture.

- The leaders of all armed opposition groups should make it clear to those under their command that they are totally opposed to torture and to killings of prisoners and non-combatants. Amnesty International urges these leaders to exercise strict chain-of-command control over their forces and to make any member who has committed human rights abuses, or who has allowed them to be committed, answerable for his actions. Leaders of armed opposition groups should also ensure that any person suspected of such acts is excluded from position of command and from any position that might enable him to commit fresh human rights abuses.

C. To the international community and intergovernmental organizations

Amnesty International urges members of the international community to condemn publicly human rights violations in Chad, and to be vigilant in their monitoring of the human rights situation including through intergovernmental organizations.

Amnesty International urges the international community to set up or support educational and training programs for promoting human rights awareness in Chad. A major effort is required with human rights organizations, which are already hard at work in the field. Amnesty International calls on foreign countries that are represented in Chad to ensure above all that human rights defenders and journalists are not hindered in their work.

Amnesty International calls on foreign governments to make a public commitment to ensuring adequate funding for the intergovernmental bodies responsible for monitoring human rights violations, so that they can carry out their task effectively.

Amnesty International urges the UN Commission on Human Rights to adopt a resolution critical of Chad's attitude towards human rights. Amnesty International also calls on the Commission on Human Rights to take steps to enforce respect for human rights in Chad.

Amnesty International urges the Chadian Government to extend invitations to the UN Special Rapporteur on torture, the UN Special Rapporteur on extrajudicial, summary and arbitrary executions and the UN Working Group on arbitrary detention.

Amnesty International urges other intergovernmental organizations such as the Organisation of African Unity and Permanent Council of Francophone governments to adopt resolution condemning Chad for its human rights policy and including recommendations for improving the human rights situation in Chad. It urges these bodies to set up mechanisms for ensuring genuine respect for human rights in Chad and to take urgent steps to provide legal assistance to Chad to enable the judiciary to free itself from government interference.

In addition :

Amnesty International also urges members of the international community to condemn the military, security and police transfers from other countries which are contributing to further human rights violations in Chad.

The international community should express its concern in particular to the governments of the People's Republic of China and France, as well as the USA, regarding military equipment supplied by them which has aggravated the human rights situation in Chad. Amnesty International appeals to these governments to acknowledge

their responsibilities in the human rights crisis affecting Chad, and to take collective action to end the atrocities.

Amnesty International also urges the international community to ensure that no military equipment or training is supplied to the Chadian security forces without a guarantee that it will not be used to commit human rights violations. These guarantees should be strengthened by setting up a monitoring mechanism.

Amnesty International calls on French instructors, troops and gendarmes to report all human rights violations that they may witness, and any serious cases of which they hear. The French Government should establish mechanisms for ensuring that human rights violations reported by its cooperation personnel are raised with senior Chadian authorities and discussed in the relevant international human rights forums.

Amnesty International calls on France to include human rights courses in its military training program. In addition, some basic legal ideas should be communicated on individual responsibility, the responsibilities of command and manifestly illegal orders.

Training should go hand in hand with the establishment of a suitable system for making military, security or police personnel answerable for their actions, and of a complaints mechanism for the public.

When trainees are being recruited, it would be advisable to bear in mind their possible participation in past human rights violations.

Trainers should have received demonstrable training themselves in international human rights standards, such as the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the UN Standard Minimum Rules for the Treatment of Prisoners and in international humanitarian law, especially Common Article 3 of the Geneva Conventions.

The course program for all military, security and police personnel should include practical exercises in the upholding of international standards with regard to human rights and of humanitarian law.

The conduct of trainees should be noted and assessed once training has been completed, and the information should be used to protect human rights and prevent impunity in the event of former trainees committing human rights violations.

APPENDIX

Common Article 3 of the Geneva Conventions

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions :

- (1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.*

To this end, the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, mutilation , cruel treatment and torture;*
- (b) taking of hostages;*

- (c) *outrages upon personal dignity, in particular humiliating and degrading treatment;*
- (d) *the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.*

(2) *The wounded and sick shall be collected and cared for.*

An impartial humanitarian body, such as the International Committee of the Red Cross, may offer its services to the Parties to the conflict.

The Parties to the conflict should further endeavour to bring into force, by means of special agreements, all or part of the other provisions of the present Convention.

The application of the preceding provisions shall not affect the legal status of the Parties to the conflict.